

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LEONARD JAMES FOX,
Plaintiff,

v.

T. URIBE, et al.,
Defendants.

Case No. 18-07221 BLF (PR)

**ORDER CONSTRUING MOTION
AS MOTION FOR
RECONSIDERATION; DIRECTING
DEFENDANTS TO FILE
OPPOSITION**

(Docket No. 40)

On October 27, 2021, the Court granted Defendants' motion for summary judgment and dismissed all claims against them; judgment was entered the same day. Dkt. Nos. 38, 39. The matter was submitted on September 18, 2021, the date Plaintiff's opposition was due. The Court noted in the order that Plaintiff did not file an opposition although given an opportunity to do so. Dkt. No. 38 at 2.

On October 29, 2021, Plaintiff filed a "motion/request for a [extension] of time due to excusable neglect" pursuant to Federal Rule of Civil Procedure 6(b)(1)(B). Dkt. No. 40. He explains that he was twice placed on a 14-day quarantine during his transfer to and from court, and that he had only recently received all his legal papers. *Id.* The letter is dated October 2, 2021, which was after the time for filing an opposition had expired and several weeks before the Court issued its Order granting Defendants' motion for summary

1 judgment. *Id.*

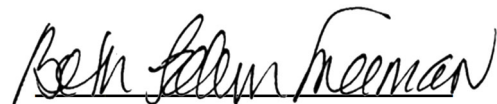
2 In the interest of justice, the Court construes the motion as a motion for relief from
 3 judgment pursuant to Rule 60(b)(1), on the grounds of excusable neglect. Fed. R. Civ. P.
 4 (60)(b)(1). Defendants shall file an opposition to Plaintiff's motion, or a statement of non-
 5 opposition, **no later than fourteen (14) days** from the date the motion was filed, i.e., no
 6 later than **November 12, 2021**. See Civil L.R. 7-3(a). Plaintiff may file a reply **no later**
 7 **than seven (7) days** after the opposition is due, i.e., no later than **November 19, 2021**. *Id.*
 8 at 7-3(c).

9 If Plaintiff's motion for reconsideration is granted, the Court will vacate the
 10 judgment, strike the order granting Defendants' summary judgment, and reopen briefing
 11 on the motion by granting Plaintiff an extension of time to file an opposition, and
 12 Defendants an opportunity to file a reply.

13 The Clerk shall close the file.

14 **IT IS SO ORDERED.**

15 **Dated: __November 1, 2021__**


 BETH LABSON FREEMAN
 United States District Judge